

REMARKS

Claims 2-21, 38-44, 60-63, 65-69, and 71-89 are pending, with claims 60, 77, 81, 84, and 89 being independent. Claims 1, 22-37, 45-59, 64, and 70 have been cancelled. Claims 2-7, 18, 38-41, 43, 60-62, 65-69, 71, 73-77, and 81-84 have been amended. Claims 85-89 have been added. No new matter has been introduced.

Election/Restriction

Claims 58 and 59 have been withdrawn based on original presentation. Claims 58 and 59 were presented in error in the previously filed Amendment. Claims 58 and 59 are now cancelled, which renders this election requirement moot.

Specification

The specification has been objected to as failing to provide antecedent support for "tangible computer-readable medium," as recited in amended independent claim 81. Page 13, line 15-23 of the specification states:

One or more other services may be included in the components of system 300 and/or these components (hereinafter the system services) may be included as part of one or more other services. For example, the system services may include or be included in a general-purpose or a special-purpose computer (e.g., a personal computer, a PDA, or a device specifically programmed to perform certain tasks), a local area network, and/or a wide area network. In either case, the response to and execution of instructions received by any or all of the system services may be controlled by, for example, a program, a piece of code, an instruction, a device, a computer system, or a combination thereof, for independently or collectively instructing the services to interact and operate as described herein.

Therefore, at least this portion of the specification provides antecedent support for a “tangible computer-readable medium” and applicant respectfully requests reconsideration and withdrawal of this objection to the specification.

Claim Rejections - 35 U.S.C. § 101

Claims 77-80 have been rejected under 35 U.S.C. § 101 for allegedly being directed to non-statutory subject matter. In particular, the Office Action contends that the word “system” in independent claim 77 does not inherently mean that claim 77 is directed to a machine. Independent claim 77 has been amended to recite a system comprising a processor connected to a storage device and one or more input/output devices. Accordingly, applicants respectfully requests reconsideration and withdrawal of this rejection of independent claim 77 and its dependent claims 78-80.

Claim Rejections – 35 U.S.C. § 112

Claims 12-14, 16, and 17 have been rejected under 35 U.S.C. § 112, second paragraph. In particular, the Office Action contends that it is unclear how the trait information can comprise a participation status in claim 12 and an online status in claim 16, as independent claim 60 separately recites the trait information and an online context. A participation status and an online status are not necessarily equivalent to an online context. For example, a participation status may include a visibility preference (claim 13) or information defining the participation status of the user or of the other user based on multiple online contexts (claim 14). An online status may include a status of active, idle, away, and/or mobile (claim 17).

In contrast, an online context may include a web site currently accessed, an Internet domain currently accessed, a newsgroup currently accessed, a message board currently accessed, or a URL currently accessed (claim 60). Therefore, the trait information may not include the online context. Accordingly, applicants respectfully request reconsideration and withdrawal of this rejection of claims 12-14, 16, and 17.

Claim Rejections - 35 U.S.C. § 103

Claims 2, 4-8, 11-21, 38-44, 60, 61, 63-67, 69, 70, 72-81, 83, and 84 have been rejected under 35 U.S.C. § 103 as being anticipated by Boyer (U.S. Patent No. 7,299,257) in view of Wilens (U.S. Patent No. 7,092,952). Applicants respectfully request reconsideration and withdrawal of this rejection because none of Boyer, Wilens, or any proper combination of the two describes or suggests all of the features of amended independent claims 60, 77, 81, 84, and 88.

In particular, amended independent claim 60 recites, in part, “determining an online context of a user, the online context being one or more of a web site currently accessed by the user, an Internet domain currently accessed by the user, a newsgroup currently accessed by the user, a message board currently accessed by the user, or a URL currently accessed by the user.” Boyer does not describe or suggest the online context being a web site currently accessed by the user, an Internet domain currently accessed by the user, a newsgroup currently accessed by the user, a message board currently accessed by the user, or a URL currently accessed by the user.

Rather, Boyer discloses a dynamic visual representation of members of a group being invited to communicate together. *See* Boyer at Abstract. Contact information (People 428) and presence information (Presence 429) for members of the group are dynamically presented as part

of a list (419). *See Boyer* at FIG. 8. The presentation of contact information (People 428) and presence information (Presence 429) may further include displaying documents and URLs relating to the purpose for group collaboration, but notably does not include indicating which individuals are viewing the documents or URLs. *See Boyer* at claims 1 and 8. One member of the group may initiate communication with another member using a mechanism, such as email, chat, or voice communications. *See Boyer* at claims 1 and 5. The presence information includes a set of descriptions about which devices, such as a telephone or personal computer, a member of the group has made use of, but does not provide descriptions of currently accessed web sites, Internet domains, newsgroups, message boards, or URLs. *See Boyer* at col. 11, lines 21-24.

Therefore, Boyer's presence information, including descriptions about which devices, such as a telephone or personal computer, a member has made use of, does not correspond to an online context being a web site currently accessed by the user, an Internet domain currently accessed by the user, a newsgroup currently accessed by the user, a message board currently accessed by the user, or a URL currently accessed by the user. As such, Boyer does not describe or suggest determining an online context of a user, where the online context is one or more of a web site currently accessed by the user, an Internet domain currently accessed by the user, a newsgroup currently accessed by the user, a message board currently accessed by the user, or a URL currently accessed by the user, as recited in amended independent claim 60.

Moreover, in connection with claims 2, 4, and 5, Boyer does not describe or suggest an online context being an Internet domain currently accessed, a message board currently accessed, or a URL currently accessed. Rather, as explained above, claims 1 and 8 of Boyer disclose the presentation of contact information and presence information including URLs relating to the

purpose for group collaboration, but does not indicate what URLs are currently being accessed by the user. As such, Boyer does not describe or suggest determining an online context of a user, where the online context is one or more of a web site currently accessed by the user, an Internet domain currently accessed by the user, a newsgroup currently accessed by the user, a message board currently accessed by the user, or a URL currently accessed by the user, as recited in amended independent claim 60.

Wilens, which is cited as showing a trait information, does not cure the failure of Boyer to describe or suggest the subject matter of amended independent claim 60, and the Office Action does not contend that Wilens does so. *See* Office Action mailed July 11, 2008 at page 4.

Accordingly, for at least these reasons, applicants respectfully request reconsideration and withdrawal of the rejection of amended independent claim 60 and its dependent claims.

Amended independent claims 77 and 81 recite subject matter that is similar to that discussed above in connection with amended independent claim 60, and do so in the context of a system (claim 77) and a tangible computer readable medium (claim 81). Accordingly, at least for reasons similar to those discussed above in connection with amended independent claim 60, applicants respectfully request reconsideration and withdrawal of the rejection of amended independent claims 77 and 81, and their respective dependent claims.

Amended independent claim 84 recites, in part, “determining that the online context of the second user matches the online context of the first user and that the second user is a member of the buddy list of the first user.” The Office Action contends, in connection with claim 44, that the list of users (404) disclosed in Boyer is a buddy list. *See* Boyer at FIGS. 4 and 8. However,

the list of users (404) defines the collaborative group of Boyer and is not associated with any particular member of the group. As such, the list of users is not a buddy list of the first user.

Furthermore, Boyer has no need to determine whether one member of the group is included on the list of users (404), as the list of users (404) defines the collaborative group and all members of the group must, therefore, be on the list of users (404). Thus, Boyer does not describe or suggest determining that the second user is a member of the buddy list of the first user, as recited in amended independent claim 84.

Wilens, which is cited as showing a trait information, does not cure the failure of Boyer to describe or suggest the subject matter of amended independent claim 84, and the Office Action does not contend that Wilens does so. *See* Office Action mailed July 11, 2008 at page 4.

Accordingly, for at least these reasons, applicants respectfully request reconsideration and withdrawal of the rejection of amended independent claim 84 and its dependent claims.

Claim 3

Claim 3 has been rejected under 35 U.S.C. § 103 as being unpatentable over Boyer and Wilens in view of Olivier (U.S. Patent No. 6,480,885). The Office Action acknowledges that neither Boyer nor Wilens discloses newsgroups. *See* Office Action mailed July 11, 2008 at page 9. As such, it follows that neither Boyer nor Wilens discloses “comparing the online context of the user to the online context of the other users and the stored trait information for the user to the stored trait information for the other users,” where the online context comprises a newsgroup currently accessed, as recited in amended claim 3 (including the features of amended independent claim 60). Olivier does not cure the failure of Boyer and Wilens to describe or suggest the subject matter of amended claim 3.

Rather, Olivier simply discloses using one-way or mutual criteria matching and messaging profile criteria to send message in USENET newsgroups. *See* Olivier at Abstract. As such, like Boyer and Wilens, Olivier does not describe or suggest “comparing the online context of the user to the online context of the other users and the stored trait information for the user to the stored trait information for the other users,” where the online context comprises a newsgroup currently accessed, as recited in amended claim 3 (including the features of amended independent claim 60).

Accordingly, applicants respectfully request reconsideration and withdrawal of the rejection of claim 3.

Claims 9, 10, 62, 68, and 82

Claims 9, 10, 62, 68, and 82 have been rejected under 35 U.S.C. § 103 as being unpatentable over Boyer and Wilens in view of Porter (U.S. Patent No. 6,434,599). Porter, which is cited as allegedly showing trait information comprising a demographic identifier and an expertise rating, does not cure the failure of Boyer and Wilens to describe or suggest the subject matter of amended independent claim 60 from which claims 8-11 depend. Accordingly, applicants respectfully request reconsideration and withdrawal of the rejection of claims 9, 10, 62, 68, and 82.

Claim 71

Claim 71 has been rejected under 35 U.S.C. § 103 as being unpatentable over Boyer and Wilens in view of Tang (U.S. Patent No. 5,960,173). Tang, which is cited as allegedly showing sorting, does not cure the failure of Boyer and Wilens to describe or suggest the subject matter of

amended independent claim 60 from which claim 71 depends. Accordingly, applicants respectfully request reconsideration and withdrawal of the rejection of claim 71.

New Claims

Claims 85-88

New claims 85-88 respectively depend from amended independent claims 60 and 84. At least for the reason of that dependency and the reasons noted above with respect to amended independent claims 60 and 84, applicants respectfully submit that new claims 85-88 are allowable. Because each claim recites additional features, however, the individual consideration of each new claim on its own merits is respectfully requested.

Claim 89

New independent claim 89 recites, in part, “visually distinguishing the at least one user as a member of the group of the other users sharing the online context of the user and the at least one trait with the user from other users who share the online context of the user but do not share the at least one trait with the user.” Applicants submit that new independent claim 89 is allowable over the references of record, in particular Boyer and Wilens, at least because none of Boyer, Wilens, or any proper combination of the two describes or suggests visually distinguishing the at least one user as a member of the group of the other users sharing the online context of the user and the at least one trait with the user from other users who share the online context of the user but do not share the at least one trait with the user, as recited in new independent claim 89.

Conclusion

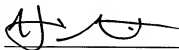
Applicants respectfully submit that all claims are in condition for allowance.

It is believed that all of the pending issues have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this reply should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this reply, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

The fee in the amount of \$210 in payment for the Excess Claims fee is being paid concurrently herewith on the Electronic Filing System (EFS) by way of Deposit Account authorization. Please apply any other charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date: 9/11/2008



Hussein Akhavannik
Reg. No. 59,347

Fish & Richardson P.C.
1425 K Street, N.W.
11th Floor
Washington, DC 20005-3500
Telephone: (202) 783-5070
Facsimile: (877) 769-7945